

GOVERNMENT OF TELANGANA
ABSTRACT

Home(Courts.B) Department – Permission to the Commissioner of Police, Nizamabad for detaining the A1-Ashique Ali @ Shahneel @ Shahneel Tahir Ahemdi @ Tahir @ Tahir Razakahan S/O Khamiz Khan in Central Prison, Cherlapally - Sanctioned – Orders – Issued.

LAW (LA, LA&J–HOME-COURTS.B) DEPARTMENT

G.O.Rt.No. 90

Dated: 03-03-2018

Read :-

From the Commissioner of Police, Nizamabad City, Letter.No.D8-04/
CCRB/ NZB/2018, dated:20-01-2018

ORDER :

Whereas, the Commissioner of Police, Nizamabad in the reference read above has informed that Pakistani National A1- Ashique Ali @ Shahneel @ Shahneel Tahir Ahemdi @ Tahir @ Tahir Razakahan, S/o. Khamiz Khan, age 21/2002 N/o. Galli No.2, Mohalla Hussainabad, Tahasil: Kasimabad, Dist: Hyderabad Sindh, Pakistan Arrested by SI Nizamabad Police Station in their Crime No.19/2002 and produced in the Hon'ble Judicial Magistrate of First Class, Nizamabad in S.C No. 45/2004 under sections 121, 121(A) Indian Penal Code, 1860 and section 14 of the Foreigners Act, 1976.

2. And whereas, the trial was conducted against A1) Ashique Ali @ Shahneel @ Shahneel Tahir Ahemdi @ Tahir @ Tahir Razakahan, S/o. Khamiz Khan, age 21/2002, N/o. Galli No.2, Mohalla Hussainabad, Tahasil: Kasimabad, Dist: Hyderabad Sindh, Pakistan by Hon'ble III additional District & Sessions Judge, (FTC), Nizamabad vide SC No. 45/2004. On 18.10.2005 judgment was pronounced by the said court. The accused A1 was found guilty for the offences under sections 121, 121(A) Indian Penal Code, 1860 and section 14 of the Foreigners Act, 1946 and convicted to undergo rigorous imprisonment for life and to pay a fine of Rs.500/- for the charge under section 212 Indian Penal Code and 10 years rigorous imprisonment for the offence under section 121(A) Indian Penal Code, 1860 and to pay fine of Rs.200/- and 5 years of rigorous imprisonment and to pay a fine of Rs.200/- for the offence under section 14 of the Foreigners Act, while acquitting him for the offence under section 3 & 9 of official secrets Act, 1923.

3. And whereas against the above judgment and conviction, the accused preferred an appeal vide CrI.A.No.340/2011 before the Hon'ble High court of Judicature at Hyderabad and the case is reserved for the judgment. At present he is in central prison, Cherlapally, Hyderabad.

4. And whereas A1- Ashique Ali @ Shahneel @ Shahneel Tahir Ahemdi @ Tahir @ Tahir Razakahan, S/o. Khamiz Khan, age 21/2002, N/o. Galli No.2, Mohalla Hussainabad, Tahasil: Kasimabad Dist: Hyderabad Sindh, Pakistan entered in to India on 15th June-2001 vide passport No. J970511 issued at Hyderabad Pakistan on 2.4.2001 and destroyed his passport to conceal his evidence and identity. He was granted Visa for 30 days vide visa No. P210841 and he was permitted to visit Delhi and Kanpur, but he roamed Batala, Amritsar, Qadian of Punjab state, Mumbai & Nagpur of Maharashtra state, Hyderabad, Nizamabad in Telangana state and various places by violating the visa and passport rules and foreigners Act.

5. And whereas, the Commissioner of Police, Nizamabad has requested the Government to issue necessary orders for detaining the A1) Ashique Ali @ Shahneel @ Shahneel Tahir Ahemdi @ Tahir @ Tahir Razakahan, S/o. Khamiz

[P.T.O.]

Khan, age 21/2002, N/o. Galli No.2, Mohalla Hussainabad, Tahasil: Kasimabad, Dist: Hyderabad Sindh, Pakistan in Central Prison, Cherlapally, Hyderabad, subject to the outcome of the Judgment of the Hon'ble I High Court of Judicature at Hyderabad in CrI.A. No.340/2011, and further stated that if he is acquitted in the side case it will not be feasible to deport him to Pakistan immediately, as he has destroyed his passport No.J970511 after entering in to India to conceal his evidence and identity, so he has to be detained till the deportation process is completed.

6. And whereas, in accordance with the existing procedure for deportation of Pakistani Prisoners, the aforesaid prisoner is first to be provided with consular access to establish his identity. Once his identity is established by the Pakistani Government, he would be issued one way travel document by the Pakistani High Commission. Hence, the Prisoner must be sent to consular access. The Government of Telangana have decided to create a detention at Central Prison Cherlapally to keep the above said Pakistan National immediately, if he is acquitted in Court Case vide CrI.A.No.340/2011 of Hon'ble I High Court of Judicature at Hyderabad or completes his term of sentence after setting off remand period on conviction, till his deportation Orders are issued.

7. Now therefore, in exercise of powers conferred under section 3 (2) (e) of the Foreigners Act, 1946 read with the Government of India Notification No.4/3/56 (1) F.I. dated: 19-4-1958, the Government of Telangana hereby direct the Commissioner of Police, Hyderabad city to keep A1- Ashique Ali @ Shahneel @ Shahneel Tahil Ahemdi @ Tahir @ Tahir Razakahan S/O Khamiz Khan age 21/2002 N/O Galli No.2, Mohalla Hussainabad, Tahasil: Kasimabad, Dist: Hyderabad Sindh, Pakistan under proper security and the said order valid for short duration of a month or so at a time which may be extended from time to time till his eventual repatriation.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

V.NIRANJAN RAO,
SECRETARY TO GOVERNMENT,
LEGAL AFFAIRS, LEGISLATIVE AFFAIRS & JUSTICE.

To
The Commissioner of Police, Nizamabad.
The Director General of Police, Telangana State, Hyderabad.
The Commissioner of Police, Hyderabad.
The Addl. Commissioner of Police, Crimes & SIT, Hyderabad.
The Superintendent, Central Prison, Cherlapally (for taking necessary action)
Copy to: The Law (D) Department.
The SC/SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER.